

the law and our statutes, and am of the opinion that the duty of furnishing these ballots is incumbent upon you.

If you will notice chapter 71, section 10, Public Laws of 1908, it being the Prohibition Act, you will find the following: "Said election shall be conducted and held under the same rules and regulations and in the same manner as elections for State officers, and, unless otherwise provided in this act, the general laws regulating elections, as set forth in chapter 90 of the Revisal of 1905 of North Carolina, and the amendments thereto, shall be applicable to said election."

Said section further provides that the ballots shall bear the following words: "For the Manufacture and Sale of Intoxicating Liquors," or the following: "Against the Manufacture and Sale of Intoxicating Liquors." The ballots shall be of white paper and shall be without device.

Inasmuch as said section is intended to follow chapter 90 of the Revisal of 1905 in all respects wherein it is not otherwise expressly provided in the Prohibition Act, and inasmuch as there is nothing in the Prohibition Act which relates to the question submitted by you, I am of the opinion that it is your duty, under chapter 90 of the Revisal, sec. 4334, to provide these ballots, an equal number of which shall contain the words "For the Manufacture and Sale of Intoxicating Liquors," and also an equal number should contain the words "Against the Manufacture and Sale of Intoxicating Liquors." The ballot further be of white paper and without device. As to the size of the ballot, that is a matter entirely within your discretion.

Section 4334 of the Revisal provides: "The Secretary of State shall procure, provide and furnish to the several officers named in this chapter, and charged with the duties under it, all such books, blanks and other printed matter as may be necessary to carry into effect the provisions of this chapter."

This section is very broad, and under the words "other printed matter" I am constrained to be of the opinion that it includes ballots.

The general rule of procedure in this State in voting for State officers is for the officers themselves to furnish their ballots, but this is a matter affecting the entire State, and is therefore not a matter of individual interest or personality. In a matter affecting the public morals, health and interest of the entire State, as does this, where no particular individual or individuals should be especially interested in the outcome from purely personal motives, I think that the State should furnish the ballots. It is the only way to secure a fair and impartial distribution of the ballots, and the State should therefore see to it that in this special election, affecting the entire State, all parties should be given a fair and impartial chance to select and vote the ballots which they prefer.

You will therefore require the State Printer to print a sufficient number of ballots to be distributed throughout the entire State.

Very truly yours,
HAYDEN CLEMENT,
Assistant Attorney-General.